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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/208,696	12/10/1998	YASUYUKI SEKINE	RM.HPK	8464
23548	7590	11/06/2006	EXAMINER	
LEYDIG VOIT & MAYER, LTD			COLLINS, DOLORES R	
700 THIRTEENTH ST. NW				
SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3960			3711	

DATE MAILED: 11/06/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/208,696
Filing Date: December 10, 1998
Appellant(s): SEKINE, YASUYUKI

MAILED
NOV 06 2006
GROUP 3700

Jeffrey A. Wyand
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/27/05 appealing from the Office action mailed 11/1/05.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

JP 5-68733

SANKYO K.K./SHOHACHI 3-1993

UGAWA

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Regarding claim 17

Sankyo (Ugawa) teaches a gaming machine with a plurality of independently rotatable reels, rotatable about a common axis (see figures 19, 22 & 24), a reel sheet, with a plurality of symbols, attached to each reel (see figure 22), a display window for viewing symbols of at least two parallel lines to the common axis when stopped (see figure 19) a display that has 2 or more identical symbols appearing serially, as shown in the main figure of his invention, figure 22 and in figure 19.

Sankyo (Ugawa) does not explicitly show, in figure 22, a symbol appearing serially on his center reel; however, he teaches that symbols appearing serially are known by his illustration in fig. 22 (see outer reel). It would be a mere duplication to include symbols in serial on the center reel. Such duplication is well known in the art.

Furthermore, implicit in his teaching is appearance of each symbol on each reel since his invention teaches that three "7" or "Bar" (or other patterns) visible through 202, 203 & 204 is the probability being sought [0058]. Since other patterns may be used, to meet these criteria all patterns would need to be on each reel.

Additionally, inherent in the design of slot/gaming machines is the teaching of all symbols/patterns being on each reel. Three like symbols in a horizontal win line is a condition well known in the art for a "win".

Regarding claim 18

Sankyo (Ugawa) teaches a display window that provides for the viewing of symbols when reels are stopped and the displaying of a winning line and lines that do not provide a winning state (see figure 19 & 21).

Regarding claim 19

Sankyo (Ugawa) teaches a display with three reels (see figure 19).

Regarding claims 20-23, 26-27 & 29-32

Sankyo (Ugawa) teaches that predetermined game value (winning state) is attained when the display result, at the time of a halt of two or more displays, becomes a the combination of the identification information for a hit defined before hand (see [0005]). Inherent in this teaching is any predefined combinations of win definitions within the machine display area (as desired by establishment).

It would have been an obvious design issue to have any predetermined winning state based on any combination, vertical, horizontal or diagonal. Such would present no difficulty to one of ordinary skill in the art.

Regarding claims 21 & 28

Sankyo K.K. (Ugawa) teaches a display of one symbol appearing serially at least two times (see figure 22).

Regarding claim 24

Sankyo (Ugawa) does not explicitly teach the colors of his symbols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use whatever color desired since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack*, 217 USPQ 401, (CAFC 1983). The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an individual with a specific type of color does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability.

Regarding claim 25

Sankyo (Ugawa) teaches a display that has 2 or more identical symbols appearing serially, as shown in the main figure of his invention, figure 22 and in figure 19. Sankyo (Ugawa) does not explicitly show, in figure 22, a symbol appearing serially on his center reel; however, he teaches that symbols appearing serially are known by his illustration in fig. 22 (see outer reel). It would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the symbols of each reel since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art.

Regarding the type/combinations of symbol/indicia on each reel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use whatever indicia desired since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack*, 217 USPQ 401, (CAFC 1983). The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an individual with a specific type of color does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability.

(10) Response to Argument

Applicant's arguments filed have been fully considered but are not considered persuasive. Examiner disagrees with applicant's arguments regarding symbols in serial and symbols appearing on all reels. Sankyo (Ugawa) does not explicitly show, in figure 22, a symbol appearing serially on his center reel; however, he teaches that symbols appearing serially are known by his illustration in fig. 22 (see outer reel). It would be a mere duplication to include symbols in serial on the center reel. Such duplication is well known in the art.

Furthermore, implicit in his teaching is appearance of each symbol on each reel since his invention teaches three "7" or "Bar" (or other patterns) visible through 202, 203

& 204 is the probability being sought [0058]. Since other patterns may be used, to meet this criteria all patterns would need to be on each reel.

Inherent in the design of slot/gaming machines is the teaching of all symbols/patterns being on each reel. Three like symbols in a horizontal win line is a condition well known in the art for a "win".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Examiner Collins

Conferees:

Eugene Kim, SPE



Primary Mendiratta


10/25/06